

Rep. Waxman releases a report evaluating how many times Congress has voted over the last five years to preempt state laws and regulations. Republican leaders in Congress and President Bush have repeatedly promised to respect the role of states as laboratories of democracy. But the report documents that there is a wide gulf between the rhetoric of Republican leaders in Washington and the actual legislative record.

The 54-page report includes a comprehensive list of the preemptive legislation passed by the House and Senate over the last five years. The report finds that the House and the Senate have voted 57 times to preempt state laws and regulations. These votes have resulted in 27 laws, signed by President Bush, that override state laws and regulations. Some of this legislation contains multiple distinct preemptive provisions. During the last five years, the House and the Senate have passed 73 separate preemptive provisions, 39 of which have become law.

Most of the preemptive federal legislation passed by the House and the Senate over the last five years falls into four general categories: (1) usurping state choices on social policies, (2) preventing states from protecting health, safety, and the environment, (3) overriding state consumer protection laws, and (4) seizing power from state courts.

The reach of the preemptive legislation is broad and its intrusiveness is deep, extending even into the end-of-life decisions of individual families. The House and Senate have passed legislation that would preempt states from regulating sources of air pollution, setting health insurance standards, and protecting consumers from contaminated food. Areas of traditional state prerogatives, such as local land use decisions and the issuance of drivers' licenses, have been federalized, and states have been blocked from protecting their citizens from emerging threats, such as unsolicited "spam" email.

### **Documents and Links**

- [Congressional Preemption of State Laws and Regulations](#)